

REMARKS

Applicants respectfully request consideration of the following Remarks in response to the Office Action mailed August 6, 2008. Applicants respectfully submit that the instant application is in condition for allowance. Claims 86 – 103 remain pending, and Applicants respectfully request reconsideration and allowance of the application and presently pending claims.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Ouellette spent with Applicants' Attorney, Jeffrey Kuester, during a telephone discussion on November 6, 2008, regarding the outstanding Office Action. During that conversation, Examiner Ouellette and Mr. Kuester discussed specification support for claim elements referenced accordingly below and whether U.S. Patent Number 6,061,660 ("Eggleson") inherently discloses elements referenced below as not being so disclosed. While no agreement was reached, Applicants respectfully request that Examiner Ouellette carefully consider this response.

II. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 86, 92, and 98 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. In particular, the Office Action contends that neither the specification nor the original claims support the claimed tracking of gift inventories or the outside purchase of disclosure gifts. In response, Applicants point to the present specification at page 183, lines 2 – 3, and page 193, lines 15 – 19. Applicants respectfully submit that the present specification provides a description that reasonably conveys to one skilled in the art that the inventors, at the time the application was filed, had possession of the above aspects of the claimed inventions. Consequently, Applicants submit that the present application complies with all the requirements of 35 U.S.C. §112, first paragraph.

III. Rejections Under 35 U.S.C. §103

The Office Action indicates that claims 86, 92, and 98 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 6,298,327 (“*Hunter*”) in view of U.S. Patent Number 6,061,660 (“*Eggleston*”). Applicants respectfully traverse these rejections for at least the reason that *Hunter* in view of *Eggleston* fails to disclose, teach, or suggest all of the elements of claims 86, 92 and 98.

Applicants first note that the Office Action admits that *Hunter* fails to disclose:

“receiving disclosure gift information associated with each innovation disclosure of the plurality of innovation disclosures, wherein the disclosure gift information includes information regarding the disclosure gifts purchased by the organization from outside the organization and stocked by the organization for being given to the plurality of innovators for the organization; responsive to receiving the disclosure gift information associated with each innovation disclosure of the plurality of innovation disclosures, and automatically updating an associated balance of stocked disclosure gifts.”

However, the Office Action subsequently argues that:

“*Eggleston* discloses the creation of employee incentive programs, which include “tracking/automated fulfillment of non-monetary reward distribution data to include sponsor and award databases (Fig.20, C8 L13-20, C3 L25-67, C32 L1-20, C45-C46). Furthermore, *Eggleston* discloses utilizing an awards tracking database and inventory replenishment technology (C39-40). Finally, *Eggleston* discloses Merchandise as a prize type, which would have inherently been purchased from an outside source since *Eggleston* does [sic] not disclose using the system for a merchandise manufacturing company (Also – See 112 rejection above).”

In response, Applicants respectfully submit that *Eggleston* fails to overcome the deficiency of *Hunter* by not inherently disclose purchasing merchandise since such a purchase is not the only way in which merchandise can be provided to program participants. For example, manufacturers could easily provide merchandise directly to program participants without a “purchase” occurring. Consequently, Applicants

respectfully submit that inherency has not been established, and claims 86, 92, and 98 should be allowed.

The Office Action also indicates that claims 87 – 91, 93 – 97, and 99 – 103 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Hunter* in view of *Eggleston*. Applicants respectfully traverse this rejection for at least the reason that *Hunter* in view of *Eggleston* fails to disclose, teach, or suggest all of the elements of claims 87 – 91, 93 – 97, and 99 – 103. More specifically, dependent claims 87 – 91 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 86. Further, dependent claims 93 – 97 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 92, and dependent claims 99 – 103 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 98. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing Remarks, Applicants submit that all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/jrk/

Jeffrey R. Kuester, Reg. No. 34,367

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway SE
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**